

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Docket No. 05-30074-MAP

TAMMY WALKER)
PLAINTIFF,)
V.)
CITY OF HOLYOKE,)
DEFENDANTS,)

**Plaintiff's Emergency Motion for Reconsideration of Order Granting Defendant's
Motion to Compel -FED. R. CIV. P.-59(e);
and Motion For A Protective Order- Fed. R. Civ. P. - 26(c)**

NOW COMES Plaintiff Tammy Walker, pursuant to Fed. R. Civ. P.- 59(e) and 26(c), who moves this court to reconsider its Order of June 14, 2007 granting Defendant's Motion To Compel an Independent Medical Examination (IME) of the Plaintiff and to Extend Deadline. In support of this Motion for Reconsideration and or a Protective Order, Plaintiff states the following:

1 - Plaintiff's counsel has not received Notice of Electronic Filing of docket entry (43): Defendant's Motion to Compel an Independent Medical Examination (IME) of the Plaintiff and to Extend Deadline.

2 - Plaintiff's counsel has not received a courtesy paper copy of Defendant's (43) Motion to Compel an IME of the Plaintiff and to Extend Deadline.

3 - On Friday, June 14, 2007, Plaintiff's counsel received a copy of the ECF Notice of the Court's Order granting (43) Motion to Compel an IME an to Extend Deadline. Plaintiff's counsel called Ms. Bethany Healey, Courtroom Clerk, and reported that he never received (43) Motion to Compel an IME.

4 - It is Plaintiff's counsel's understanding that on Monday, June 18, 2007 Ms. Bethany Healey would e-mail the Clerk's office in Boston to check for all bounced back e-mails

to see if notice to Plaintiff's counsel, of the filing of (43) Defendant's Motion to Compel was returned. Plaintiff's counsel has not yet received the results of Ms. Healey's aforementioned inquiry.

5 - Defense Counsel has scheduled a June 26, 2007 IME (psychiatric) examination of Plaintiff by Dr. Bernard Katz.

6 - Plaintiff requests that the June 26, 2007 IME (mental) be put off indefinitely, until the Plaintiff's pending criminal charges by the Commonwealth are resolved.

7- In the alternative, Plaintiff, requests that the Court issue a Fed. R. Civ. P. - 26(c) Protective Order, that the psychiatrist not be allowed to question Plaintiff about anything related to the state of her mind surrounding the Commonwealth's criminal matter with which she is charged.

8 - Plaintiff requests that the Court issue a Protective Order that the evaluation of Plaintiff by the IME not be used for any other purpose, and essentially prohibiting the psychiatrist and all counsel from discussing or communicating anything in the proposed IME, report outside of the context of the above captioned civil case.

For the foregoing reasons, Plaintiff respectfully requests that her Emergency Motions for Reconsideration and for a Protective Order be allowed.

Respectfully submitted

This 19th day of June 2007

Tammy Walker
By her attorney

/S/ Ozell Hudson, Jr.
Ozell Hudson, Jr., Esq
BBO# 556269
434 Massachusetts Ave.
Suite 402
Boston, MA. 02118
(617) 267-0662
Fax # 617-267-0663

CERTIFICATE OF SERVICE

I, Ozell Hudson Jr., Certify that on this 19th day of June, 2007I have served a true copy of the foregoing (Emergency Motion for Reconsideration, and Motion for a Protective Order; Affidavit of Ozell Hudson Jr.; and Certification Pursuant to L. R. 7.(A)(e) upon the counsel of record by fax, electronic service, hand or first class mail, postage pre-paid and addressed to the following:

Carole Sakowski Lynch, Esq.
Morrison, Mahoney & Miller, LLP
1500 Main Street
Suite 2400
P.O. Box 15387
Springfield, MA 01115-5387

Ozell Hudson, Jr. Esq

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**Affidavit of Ozell Hudson, Jr. In Support of Plaintiff's Emergency Motion for
Reconsideration of Order Granting Defendant's Motion to Compel**

I, Ozell Hudson, Jr., state under oath and of my personal knowledge the following:

1. I am attorney of record for the Plaintiff in the above-captioned matter.
2. That on June 14, 2007 I received Notice of the Court's Order granting Defendant's Motion to Compel Independent Medical Examination (IME) and to Extend the Deadline.
3. That on June 14, 2007, I searched my U.S. District Court (PACER) registered e-mail address (OHudsonLaw@aol.com) for docket entry (43) Notice of the Electronic Filing of Defendant's Motion to Compel Independent Medical Examination (IME) of the Plaintiff. This search was to no avail.
4. On June 14, 2007 I telephoned Ms. Bethany Healey, Courtroom Clerk, to report that I never received docket entry (43) Motion to Compel an IME of the Plaintiff.
5. Ms. Bethany Healey stated that her computer records showed that the docket entry (43) was filed on May 29, 2007, that she would e-mail the Clerk's office in Boston to check for all bounced back e-mails, to see if Notice to Plaintiff's counsel of the filing of docket entry (43) came back. I have not yet received the results of Ms. Healey's inquiry.

6. As Plaintiff's counsel, I received neither a service copy of the Electronic Notice (ECF), nor a courtesy paper copy of the Defendant's Motion to Compel.

Respectfully submitted.

The above was provided under the pain and penalty of perjury.

/S/ Ozell Hudson, Jr.
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Certification Pursuant To Local; Rule 7. (A)(2)

I, counsel for Plaintiff in the above-referenced matter, hereby certify that on June 19, 2007, I conferred with counsel for Defendant in good faith to resolve or narrow the issues in the Plaintiff's Emergency motion For Reconsideration of Order Granting Defendant's Motion To Compel- Fed. R. Civ. P. - 59(e); and Motion for a Protective Order- Fed. R. Civ. P. - 26(c).

/S/ Ozell Hudson, Jr.
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